

# CCWG-Accountability Work Stream 1 Proposal

Xx April 2015

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## **0. Summary**

This proposal presents the outcome of Work Stream 1 and was the focus of the CCWG-Accountability the first five months of work (from December 2014 until June 2015). The CCWG has designed its work so that it may be coordinated with the timeline of the IANA Stewardship

Transition. This proposal will be presented to the ICANN Board of Directors for transmission to NTIA along with the ICG assembled transition proposal.<sup>1</sup> [Section TBC]

## 1. Introduction and Background

This section includes an overview of the Enhancing ICANN Accountability & Governance process, and its foundation in the NTIA IANA Functions' Stewardship Transition.

### Background on the NTIA IANA Functions' Stewardship Transition

On 14 March 2014 the National Telecommunications and Information Administration (NTIA) [announced](#) its intent to transition its stewardship of the Internet Assigned Numbers Authority (IANA) functions and related root zone management to the global multistakeholder community. NTIA asked ICANN to convene a multistakeholder process to develop a proposal for the transition.

In making its announcement, NTIA specified that the transition proposal must have broad community support and meet the following principles:

- Support and enhance the multistakeholder model;
- Maintain the security, stability, and resiliency of the Internet DNS;
- Meet the needs and expectation of the global customers and partners of the IANA services;
- Maintain the openness of the Internet.

NTIA also specified that it would not accept a proposal that replaces the NTIA role with a government-led or an intergovernmental organization solution.

The [IANA Stewardship Transition Coordination Group](#) (ICG) was formed in July 2014 to assemble and deliver through the ICANN Board to NTIA a transition proposal consistent with the key principles outlined in the NTIA announcement. The ICG is made up of [30 individuals](#) representing 13 communities of both direct and indirect stakeholders of the IANA functions. Direct stakeholders are "direct customers" of the IANA functions, e.g. top-level domain registry operators, while indirect stakeholders are all those who benefit from performance of the IANA functions, e.g., businesses and end users.

In September 2014, the ICG published a [Request for Proposals \(RFP\)](#) to the three communities. The three operational communities with direct operational or service relationships with the IANA functions i.e. Domain Names, Number Resources and Protocol Parameters were asked to provide a formal response to the ICG regarding its community's use of the IANA functions, its existing, pre-transition arrangements, proposed post-transition oversight and accountability arrangements, and any anticipated transition implications.

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<sup>1</sup> After a meeting with the community at ICANN 52 in Singapore (February 2015), the Board issued a Statement on ICANN Sending IANA Stewardship Transition and Enhancing ICANN Accountability Proposals to NTIA: *When ICANN receives these proposals, we will forward them promptly and without modification to NTIA. As we have previously stated, if we do submit the proposals with an accompanying communication of comments, they will be on points we had already shared with the community during the development of the proposals.*

Each of the three operational communities formed working groups to develop a proposal:

- Domain Names: Cross Community Working Group to Develop an IANA Stewardship Transition Proposal on Naming Related Functions ([CWG-Stewardship](#))
- Number Resources: Consolidated Regional Internet Registries (RIRs) IANA Stewardship Proposal Team ([CRISP Team](#)); and
- Protocol Parameters: IANAPLAN Working Group ([IANAPLAN WG](#))

In January 2015, the ICG received a [proposal](#) from the Protocol Parameters community and a [proposal](#) from the Numbering Resources community; the Domain Names community – CWG-Stewardship continues to work on its proposal.

Following submissions from the three communities, the ICG will assess the respective outputs, assemble a complete proposal for the transition and provide numerous opportunities for additional input and comment.

## Introduction to the Enhancing ICANN Accountability & Governance Process

As initial discussions of the IANA Stewardship Transition were taking place, the ICANN community raised the broader topic of the impact of the transition on ICANN's current accountability mechanisms. From this dialogue, the Enhancing ICANN Accountability process was developed to provide assurance that ICANN remains accountable in the absence of its historical contractual relationship with the U.S. Government, which has been perceived as a backstop with regard to ICANN's organization-wide accountability since 1998.

Informed by community [discussions](#) held in March 2014 at ICANN's public meeting in Singapore, ICANN published a proposed process on [Enhancing ICANN Accountability](#), with an opportunity for public dialogue and community feedback from 6 May – 27 June 2014, in addition to the comments received during the dedicated [Enhancing ICANN Accountability session](#) held on 26 June 2014 at the ICANN 50 meeting in London. The comments related to the development of the process were considered in the refinement of the [second iteration](#) of the process published on 14 August 2014. In response to community requests for additional time to review proposals and post questions and comments, ICANN provided an additional 21-day comment period from 6-27 September 2014.

The final [Revised Enhancing ICANN Accountability: Process and Next Steps](#) includes considering how ICANN's broader accountability mechanisms should be strengthened in light of the transition, including a review of existing accountability mechanisms such as those within the [ICANN Bylaws](#) and the [Affirmation of Commitments](#).

## Formation of the CCWG-Accountability

Following public comment periods and discussions on accountability, the Cross Community Working Group on Enhancing ICANN Accountability ([CCWG-Accountability](#)) was convened, designed and approved by a Drafting Team (DT) composed of five ICANN community groups. Further information, including document drafts and meeting transcripts of the Drafting Team that developed the CCWG-Accountability Charter, is available on the CCWG-Accountability [Wiki site](#).

The CCWG [Charter](#) was circulated for adoption on 3 November. Since then, the following organizations have adopted the Charter:

- Generic Names Supporting Organization (GNSO) on 13 November ([see Motion here](#))
- At-Large Advisory Committee (ALAC) on 18 November ([see poll results here](#))
- Country Code Names Supporting Organization (ccNSO) on 20 November ([see meeting minutes here](#))
- Governmental Advisory Committee (GAC) on 8 December ([see email here](#))
- Address Supporting Organization (ASO) on 9 December ([see email here](#))

## Composition of the CCWG-Accountability

The CCWG-Accountability consists of **xx** people, organized as **xx** members, appointed by and accountable to the CCWG chartering organizations, **xx** participants, who participate as individuals, and **xx** mailing list observers. Each of the Chartering Organizations may appoint a minimum of 2 and a maximum of 5 members to the working group in accordance with their own rules and procedures.

The CCWG also includes:

- 1 ICANN Board liaison who brings the voice of the Board and Board experience to activities and deliberations<sup>2</sup>;
- 1 ICANN staff representative who provides input into the deliberations<sup>3</sup>;
- 1 former ATRT member who serves as a liaison and brings perspective and ensures that there is no duplication of work<sup>4</sup>;
- 4 ICG members who participate in the CCWG-Accountability, including two who serve as liaisons between the two groups.

Seven [Advisors](#) have also been appointed by a [Public Experts Group \(PEG\)](#) to contribute research and advice, and to bring perspectives on global best practices to enrich the CCWG-Accountability discussion, all while engaging with a broader network of accountability experts from around the world.

The CCWG-Accountability is [open to all](#): anyone interested in the work of the CCWG-Accountability can join as a participant or observer. Participants may be from a chartering organization, from a stakeholder group or organization not represented in the CCWG-Accountability or currently active within ICANN, or self-appointed. For those who are merely interested to monitor the CCWG conversations, there is the possibility to sign up as a mailing list "observer" which offers read-only access to the mailing list.

The group first met in December 2014 and has held weekly meetings since. It operates in a transparent environment: its mailing-lists discussions, meeting archives, drafts and correspondence are documented on a [public wiki space](#).

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<sup>2</sup> Should there be an issue of a consensus call, the Board Liaison would not participate in such a consensus call.

<sup>3</sup> Should there be an issue of a consensus call, the staff representative would not participate in such a consensus call.

<sup>4</sup> Should there be an issue of a consensus call, the ATRT Expert would not participate in such a consensus call.

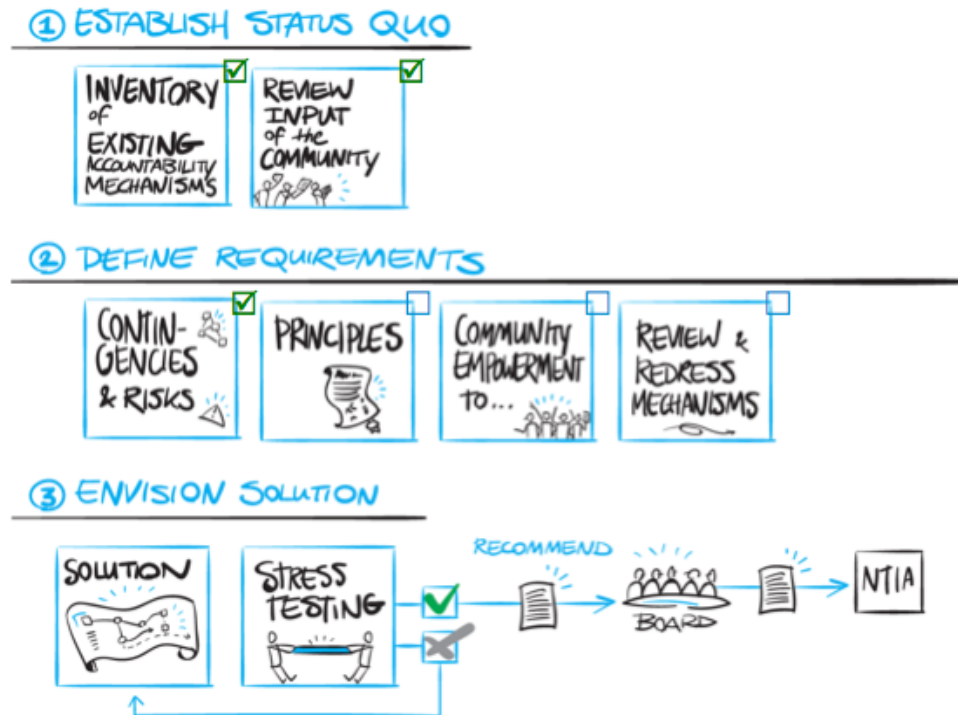
## Work Streams

Per the CCWG-Accountability [Charter](#), the work of the CCWG-Accountability would proceed in two Work Streams defined as follows:

- **Work Stream 1:** focused on mechanisms enhancing ICANN accountability that must be in place or committed to within the time frame of the IANA Stewardship Transition
- **Work Stream 2:** focused on addressing accountability topics for which a timeline for developing solutions and full implementation may extend beyond the IANA Stewardship Transition

## 2. Methodology

This section describes the methodology through which the CCWG-Accountability developed and completed the Work Stream 1 proposal.



### Defining Requirements for Work Stream 1

The primary goal of the CCWG-Accountability is to deliver proposals that would enhance ICANN's accountability towards all stakeholders. The first step in achieving this goal was to understand and describe the status quo. To do this efficiently, the CCWG-Accountability established four initial [Work Areas](#):

- [Work Area 1: Existing Accountability Mechanisms \(including the AOC reviews on accountability\)](#)
- [Work Area 2: Review Input from Public Comment and Categorize Items into Work Streams 1 & 2 \(WS1 & WS2\)](#)

- [Work Area 3: Review Issues Identified by CWG-Stewardship](#)
- [Work Area 4: Identify Contingencies \(especially in relation to Work Stream 1\)](#)

The four areas were populated with volunteer CCWG members and participants who had dedicated mailing lists and wiki spaces to advance their work.

### **Work Area 1**

One of the first deliverables within the CCWG was an [inventory of existing accountability mechanisms](#) on 15 December 2014, delivered just one week after the CCWG-Accountability first met. The inventory was the starting point of CCWG's discussions about which ICANN accountability mechanisms should be enhanced to address the risks the group had identified, and where gaps would remain and the group would need to develop new mechanisms to mitigate against those risks. This inventory is further described in section 4 of this document.

### **Assessment of Comments to Date - Work Area 2**

Another area of initial CCWG work focused on a review of the [collection of comments](#) received during the development of the Enhancing ICANN Accountability process and assessed whether they were issues to address as part of Work Stream 1 (WS1) or Work Stream 2 (WS2). The group categorized the comments based on the following rationale:<sup>5</sup>

- *Work Stream 1 is designated for accountability enhancement mechanisms that must be in place or committed to, before IANA transition occurs.*
- *Work Stream 1 mechanisms are those that, when in place or committed to, would provide the community with confidence that any accountability mechanism that would further enhance ICANN's accountability would be implemented if it had consensus support from the community, even if it were to encounter ICANN management resistance or if it were against the interest of ICANN as a corporate entity.*
- *All other consensus items could be in Work Stream 2, provided the mechanisms in WS1 are adequate to force implementation of WS2 items despite resistance from ICANN management and board.*

In addition to categorizing the comments, the ATRT Expert reviewed the comments and noted, where relevant, a reference to ATRT recommendations. Work Area 2 was complete as of 15 January 2015.

*See Appendix E. Input from Public Comment and Categorization into Work Streams 1 & 2 (15 January 2015)*

### **Interrelation with the CWG Stewardship Work - Work Area 3**

The CCWG also reviewed the accountability elements identified by the CWG-Stewardship<sup>6</sup>. In light of the clear linkage between the works of the two groups, the CWG-Stewardship and CCWG-Accountability Co-Chairs agreed that it would be valuable for the CWG-Stewardship to provide the CCWG-Accountability with a list of issues it identified during its deliberations where

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<sup>5</sup> Please see WA2 output document, Draft 5.3, 15-Jan-2015 ([.doc](#)) ([.pdf](#))

<sup>6</sup> CWG to develop an IANA Stewardship Transition Proposal on Naming Related Functions. See [here](#) for more information.



the work of both groups may overlap. A robust collaboration was built between the two groups including leadership coordination call and exchange of letters.

In January 2015, the CCWG extensively discussed the [CWG-Stewardship list of issues](#), offered [input](#) and indicated that these avenues of work would be one of the focuses of CCWG attention.

While the work was completed in March 2015, the collaboration was maintained throughout the end of their respective mandates.

#### **Stress Test and Contingencies Work Party - Work Area 4**

A final area of focus was on the identification the main stress tests and contingencies that the CCWG-Accountability would use to test the proposed mechanisms and solutions, once elaborated.

The goal of this group was to identify the main contingencies that CCWG Accountability should use to test proposed mechanisms and solutions once they are elaborated. The group defined contingencies as consisting of:

- An event (threat) to the IANA Functions Contract;
- Its consequence, such as creating significant interference with existing policy or the policy development processes, and;
- What contingency plan, if any, is known to exist.

21 broad scenarios were initially identified, including for example, the impact of financial crisis in the domain name industry, capture by one or more stakeholders, and termination of the Affirmation of Commitments. A full list is available from the [WA4 webpage](#).

The group also received [inputs](#) from the ICANN Board Risk Committee on enterprise-wide risks identified within ICANN, as an input to its work. Furthermore, details of strategic risks that ICANN may face are identified in "[ICANN Strategic Plan for fiscal years 2016-2020](#)".

This work continues through the [Stress Tests Work Party \(ST-WP\)](#), so as to continue its identification of stress tests and their application. Section 7 of this proposal describes the work of the Stress Test Work Party.

#### **Defining WS1 high level requirements**

The [Frankfurt face-to-face meeting](#) on 19-20 January 2014 was a key turning point for the CCWG-Accountability: the group moved from an assessment phase into a development phase. As part of this development phase, the CCWG-Accountability mapped out [Work Stream 1 requirements](#) leading to a restructure of the group into two Work Parties:

- [Work Party 1 -- Community Empowerment](#) (WP1) is considering powers for the community to hold ICANN to account, and to develop a consensus on the most appropriate mechanisms to allow the community to exercise these powers. WP1 will set out the necessary changes that would be required (e.g. Bylaws changes) to deliver these.
- [Work Party 2 -- Review and Redress](#) (WP2) is considering enhancements to existing accountability and new mechanisms and the creation of a standard for review and redress, the goal is to develop a clearly articulated standard against which ICANN's actions are evaluated.

Work Party 1 (WP1) and Work Party 2 (WP2) were formed following the Frankfurt meeting in January 2015.

### **Work Party 1 (WP1) - Community Empowerment**

A new working group was formed to consider proposed powers for the community to hold ICANN to account, and to develop a consensus on the most appropriate mechanisms (or structures) that would allow the community to exercise these powers. Powers and mechanisms were defined as follows:

- Powers actions the community should be able to take to maintain and improve ICANN's accountability;
- Mechanisms are the structures or processes by which the community exercises its powers.

### **Work Party 2 - Review & Redress**

A second new working group was tasked with considering enhancements to existing accountability mechanisms and the creation of new accountability mechanisms to allow for review and redress for those affected by ICANN's failure to carry out its mission statement, and to hold ICANN accountable for carrying out its mission in compliance with agreed-upon standards.

Work Party 2 articulated the following principles to guide its work:

- Ensure that ICANN actions relate to issues that are within its stated mission and require ICANN to act consistent with clearly articulated principles;
- Ensure that the ICANN Board can be held to its Bylaws;
- Ensure that ICANN carries out its mission consistent with a binding statement of values/principles;
- Prevent scope/mission creep through bylaws changes, policy, policy implementation, contracts and/or other mechanisms.

## **Building Blocks**

In February 2015, the CCWG-Accountability identified four building blocks that would form the accountability mechanisms required to improve accountability.





Drawing a state analogy:

- **Empowered community** refers to the powers that allow the community i.e. the people to take action should ICANN breach the principles.
- **Principles** form the mission and core values of the organization i.e the Constitution.
- **ICANN Board** represents the executive entity the community may act against, as appropriate.
- **Independent Review Mechanisms**, i.e. the judiciary, confers the power to review and provide redress, as needed.

The accountability framework was compared to a cookbook populated with recipes for which the CCWG-Accountability would need to identify ingredients. A distinction was made between triggered actions i.e. triggered by the community and non-triggered i.e. part of a normal ICANN processes. A [template](#) was designed to structure and help identify ingredients. A set of [criteria](#) was also suggested to frame discussions.

## Legal Advice

The CCWG-Accountability engaged two law firms to receive expertise on feasibility of its proposed frameworks and mechanisms, Adler & Colvin and Sidley Austin LLP. The firms, through the coordination of the Legal Sub-Team of the CCWG. See Appendix B for more information on the legal sub-team methodology. The legal advice was key to the CCWG-Accountability in formulating its recommendations.

The CCWG legal sub-team's rules of engagement and working methodologies are described in Appendix B.

### 3. Definitions & Scoping

The CCWG-Accountability scoped out and elaborated a problem statement along with definitions to help refine its understanding of the task it was entrusted with. The group endeavored to produce a definition of what accountability is, listed transparency, consultation, review mechanisms and redress mechanisms as criteria of accountability mechanisms.

As a general concept, the group proposed that accountability encompassed processes whereby an actor answers to others for the effects on them of its actions and omissions. For the CCWG, then, accountability involves the processes whereby ICANN answers to its stakeholders for the impacts on those stakeholders of ICANN's decisions, policies and programs.

The group proposed that accountability is comprised four dimensions: One, transparency, means that an actor (ICANN) is answerable to its stakeholders by being open and visible to them. A second, consultation, means that the actor (ICANN) continually takes input from and explains its positions to the stakeholders. Third, review means that the actor's actions, policies and programmes are subject to outside monitoring and evaluation. The fourth dimension, redress, means that the accountable actor makes compensations for any harms of its actions and omissions, for example, by means of policy changes, institutional reforms, resignations, financial reparations, etc.

Independence and checks and balances were identified as two key qualities of any accountability mechanism. The group defined "checks and balances mechanisms" as a series of mechanisms put in place to adequately address the concerns from the various interested parties in the discussion and decision process, as well as to ensure that the decision is made in the interest of all stakeholders. The group investigated two different non-exclusive views in order to assess independence: independence of persons participating in the decision process, and independence of a specific accountability mechanism with regards to other mechanisms

The group flagged to whom should ICANN be accountable as an important component, and assembled a list of stakeholders which distinguished between affected parties and parties affecting ICANN. The following principles were agreed to guide CCWG-Accountability's activities:

- ICANN accountability requires that it comply with its own rules and processes (part of "due process", as a quality of fairness and justice);
- ICANN accountability requires compliance with applicable legislation, in jurisdictions where it operates;
- ICANN should be accountable to achieving certain levels of performance as well as security;
- ICANN should be accountable to ensure that its decisions are for the benefit of the public, not just in the interests of a particular set of stakeholders or ICANN the organization.

See Appendix C "CCWG Accountability – Problem definition" (current version, 13 March 2015) for more information.

### 4. Inventory of existing ICANN Accountability Mechanisms

This section presents an inventory of existing ICANN accountability mechanism and expands on the work developed by Work Area 1 mentioned on Section 2. The [inventory of existing accountability](#) mechanisms produced by the group on 15 December 2014 is available as Appendix D of this report.

## ICANN Bylaws and Bylaws-Mandated Redress Mechanisms

ICANN Bylaws specifically provide four avenues for review:

- [Reconsideration Process](#) (Art. IV, Sec. 2): mechanism to challenge staff action taken against ICANN policies, or Board actions taken without consideration of material information or based upon false or inaccurate information.
- [Independent Review Process \(IRP\)](#) (Art. IV, Sec. 3)<sup>7</sup>: allows for claims that the ICANN Board acted in a manner inconsistent with its Bylaws or Articles of Incorporation to be considered by an independent panel of neutrals.
- [Organizational Reviews](#) (Art. IV, Sec. 4): As required by the Bylaws, periodic reviews of the performance and operation of each Supporting Organization, each Advisory Committee (other than the Governmental Advisory Committee), and the Nominating Committee are organized to determine whether that organization has a continuing purpose in the ICANN structure, and, if so, whether any change in structure or operations is desirable to improve its effectiveness. These regular reviews allow an examination of the continuing efficacy of ICANN's component entities.
- [Office of the Ombudsman](#) (Art. V): reviews claims of unfairness by ICANN or its constituent entities. The Ombudsman framework is consistent with international standards. Office of Ombudsman publishes on an annual basis a consolidated analysis of the year's complaints and resolutions, appropriately dealing with confidentiality obligations and concerns.

## Policy Consideration Requirements: Bylaws-Based Advisory Mechanisms

Bylaws define ICANN's relationships to its component entities, including its Supporting Organizations (GNSO, ccNSO, and ASO) and Advisory Committees (SSAC, GAC, ALAC, and RSSAC). The Bylaws include detailed requirements for how the Board considers community-developed policies and receives advice. Some of these relationships are further defined through more detailed documentation, such as the Memorandum of Understanding with the Address Supporting Organization.

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<sup>7</sup> Until April 2013, the standard of review was:

"Requests for such independent review shall be referred to an Independent Review Panel ("IRP"), which shall be charged with comparing contested actions of the Board to the Articles of Incorporation and Bylaws, and with declaring whether the Board has acted consistently with the provisions of those Articles of Incorporation and Bylaws."

Effective in April 2013, the Board specified three areas for allowable review:

"The IRP Panel must apply a defined standard of review to the IRP request, focusing on:

- a.) did the Board act without conflict of interest in taking its decision?
- b.) did the Board exercise due diligence and care in having a reasonable amount of facts in front of them?; and
- c.) did the Board members exercise independent judgment in taking the decision, believed to be in the best interests of the company?"

## Affirmation of Commitments (AoC)

Signed with the United States Department of Commerce (DoC) on 30 September 2009, the [Affirmation of Commitments](#) (AoC) contains joint commitments relating to ICANN's technical coordination role of the Internet Domain Name System. The commitments uphold the multi-stakeholder model, commit to operate in a transparent manner and in the global public interest, and, among other things, to undertake community-led, regular reviews relating to accountability and transparency as well as on three other fundamental organizational objectives. More information about the Accountability and Transparency Reviews are outlined below.

## Headquarters

ICANN, as a California Not-for-Profit Public Benefit Corporation, is obligated to follow the laws of the State of California. ICANN is also subject to both California and U.S. laws and regulations regarding ICANN's tax-exempt, public benefit status, which each require ICANN to act in furtherance of its stated public benefit purposes. These laws, as well as the laws of other places where ICANN has a presence, carry with them obligations. For example, under law, all ICANN Directors hold a fiduciary duty to act in the best interests of ICANN, and not for their own personal (or business) benefit. ICANN has the ability to sue and be sued for its actions and to be held responsible in a court of proper jurisdiction for its dealings with the global community.

## Accountability and Transparency Review Teams 1 and 2 Recommendations

Periodic assessments of ICANN's progress toward ensuring accountability, transparency and the interests of global Internet users are undertaken by community-led Review Teams. The first accountability and transparency review, conducted in 2010 by the Accountability and Transparency Review Team 1 (ATRT1), resulted in a set of [recommendations](#). A second review was launched in 2013 - in compliance with the AoC timeframe -. Pursuant to the AoC, the Second Accountability and Transparency Review Team (ATRT2) assessed the extent to which the ICANN board and staff implemented the recommendations arising of the ATRT1, in addition to the core scope, and issued a set of [recommendations](#).

## Contractual Requirements

ICANN enters into a variety of contractual arrangements through which it takes on obligations. While meeting these requirements are a matter of contractual compliance for ICANN, at times the contracts also include broader accountability requirements as well. Some of these contracts include:

- **The IANA Functions Contract** with the NTIA, which incorporates, for example, a customer complaint resolution process at c.2.9.2.g as well as requirements for how ICANN is to consider delegation requests for ccLTDs (C.2.9.2.c) and gTLDs (C.2.9.2.d)..
- **Registry Agreements and Registrar Accreditation Agreements** (see <https://www.icann.org/resources/pages/agreements-policies-2012-02-25-en> and <https://www.icann.org/resources/pages/registries/registries-agreements-en>). Through these agreements, there are escalation paths set out in the event of

disagreement between ICANN and the Registry or Registrar, in each case leading to the ultimate reference to arbitration if needed

- Both Registry and Registrar Contracts include a requirement to follow “Consensus Policies”, which are policies developed through the ICANN multistakeholder process and approved with high thresholds of support. Most commercial contracts do not include the ability to insert new obligations in this way, and so the requirements on the ICANN Board and the ICANN community in developing and approving these policies are high and must be followed.
- The consensus policies may only cover specific issues that are specified within the agreements, and may not touch on other specific areas (such as pricing terms). Historically, this has been referred to as the “picket fence” around where ICANN could mandate registry and registrar compliance with obligations that are not specifically included within the contracts.

Detailed topics subject to "Consensus Policy" are defined in the gTLD Registry and Registrar Agreements.

### **Board of Directors Documentation**

Documents relating to the Board of Directors include briefing materials, resolutions, preliminary reports and minutes. Since 2010, the ICANN Board has provided a rationale for its decisions, which are published in both Resolutions and Minutes. All resolutions of the Board are tracked in a searchable tool, with information on how the mandate within each resolution was achieved. The Board also makes public how it addresses the advice it receives from the Advisory Committees, with both a GAC Register of Advice as well as the new Advice tracking tool.

### **General ICANN Operational Information**

Financial information includes an annual budgeting process developed with community input, the posting of quarterly financial reports (following the practice of listed companies), as well as the annual posting of ICANN's Audited Financial Statements, and the annual Form 990 tax filing. For tracking of ICANN's operational activities, information about current projects across the organization is posted. ICANN also maintains the Documentary Information Disclosure Policy (DIDP) for members of the public to request the release of information within ICANN that is not already publicly available.

### **ICANN Board Selection process**

The selection of voting Board Directors occurs through different community processes. The Nominating Committee appoints eight Directors, ICANN's Supporting Organizations appoint six Directors (specifically, the Address Supporting Organization the Country-Code Names Supporting Organization (CCNSO) and the Generic Names Supporting Organization (GNSO) each appoint two Directors), and the At-Large Community appoints one Director. Directors serve staggered terms enabling some annual renewal of the Board. Mechanisms for the removal or Directors and Non-Voting liaisons are described in [ICANN Bylaws](#). The President and CEO of ICANN, who is appointed by the Board, also serves a Board member.

## **5. Input Gathered from the Community - Required Community Powers**

As indicated in section 2, the group reviewed the collection of public comments received during the development of the Enhancing ICANN Accountability and categorized these as work stream 1 and work stream 2. WS1 mechanisms were defined as those that, when in place or committed to, would provide the community with confidence that any accountability mechanism that would further enhance ICANN's accountability would be implemented if it had consensus support from the community, even if it were to encounter ICANN management resistance or if it were against the interest of ICANN as a corporate entity.

The mechanisms were divided in three sections:

1. Mechanisms giving the ICANN community ultimate authority over the ICANN corporation. Most of these were initially designated as WS1, since community Members need the leverage of IANA transition to obtain these Bylaws changes.
2. Mechanisms to restrict actions of the board and management of the ICANN corporation. Most of these are initially designated as WS2, since the Members could reverse board or management decisions if Members are empowered in WS1 (1, above).
3. Mechanisms to prescribe actions of the ICANN corporation. Most of these are initially designated as WS2, since the Members could reverse board or management decisions if Members are empowered in WS1 (above). For example, a bottom-up consensus process to change ICANN bylaws might be rejected by ICANN board, but the Members could then reverse that decision and force the change.

Work Stream 1 accountability mechanisms are presented in detail in Section 6.

*See Appendix E. Input from Public Comment and Categorization into Work Streams 1 & 2 (15 January 2015)*

[Jurisdiction: placeholder for outcome of discussion about WS1 or WS2, aspects of AoC text]  
[Inventory of WS2 TBC]




## **6. Accountability Mechanisms (WP1 & WP2)**

## **7. Stress Tests (ST-WP)**

## **8. Items for Consideration in Work Stream 2**

## **9. Implementation Plan including Timing**

### **CCWG-Accountability – Proposed Implementation Milestones Work Stream 1**

<p>The following tables suggests implementation milestones and dates for Work Stream 1 recommendations</p>			<p><b>xx Complete</b>    √ or    </p> <p><b>xx In Progress</b>    ○ or    </p> <p><b>xx In Planning</b>    ◇ or    </p>
CCWG-ACCT Rec #	Description/Implementation Summary	Milestones, Completion Dates (See Executive Summaries for additional details)	
<b>Community Empowerment</b>			
<b>Review &amp; Redress</b>			

**10. Set of Questions for the Public Comment**

**11. Appendices**

**Appendix A**

*Cross Community Working Group on Enhancing ICANN Accountability Charter*

**Appendix B**

*Legal Sub-team Methodology*

**Appendix C**

*CCWG Accountability – Problem definition (current version, 13 March 2015)*

**Appendix D**

*Inventory of Existing accountability mechanisms produced by Work Area 1 (15 December 2014)*

**Appendix E**

*Input from Public Comment and Categorization into Work Streams 1 & 2 (15 January 2015)*

**Appendix F**

*Affirmation of Commitments*